THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 17587 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 28.2.2007 passed by the A.P. Administrative Tribunal in O.A. No. 7107 of 2006.

Heard the learned Government Pleader for Services I appearing for the petitioners and Smt. K. Vijayalakshmi for the respondent and perused the material available on record.

The respondent herein filed O.A. No. 7107 of 2006 before the Tribunal challenging the Proceedings No.9116/06-L1 dated 26.10.2006 of the 2nd respondent therein and Proceedings Rc.No.8051/M4/1997 dated 15.2.2006 of the 3rd respondent therein. The charge against the respondent is that he misappropriated the Government funds. Though it is sought to be contended by the learned Government Pleader that the Tribunal erred in allowing the O.A. filed by the respondent herein, it is clear from the material available on record that the disciplinary authority has not independently applied its mind in passing the impugned orders. Therefore, the Tribunal remitted the matter to the disciplinary authority and as regards the proportionality of punishment is concerned, the

Tribunal made it open to the disciplinary authority to take into consideration the gravity of the proven misconduct for inflicting appropriate punishment and directed the disciplinary authority to consider that aspect also. Having regard to the facts and circumstances, the order passed by the Tribunal directing the disciplinary authority to independently exercise its power uninfluenced by the Government directives and to pass appropriate orders by duly examining the enquiry officer's report cannot be said to be unreasonable or erroneous.

We find no reason to interfere with the order passed by the Tribunal. The writ petition is accordingly dismissed.

T. MEENA

KUMARI, J.

G. CHANDRAIAH, J.

Date: 20-08-2007.

MVB.